IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 6495 of 2007(W)

PETITIONER:

N.V.RAVEENDRAN, S/O.KUTTAPPAN,
PALLAPRAM DESOM, PONNANI NAGARAM AMSOM,
MALAPPURAM DISTRICT.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:

1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
MALAPPURAM.

2. THE DEPUTY TAHSILDAR (RR) PONNANI.

3. THE VILLAGE OFFICER,
KALADI VILLAGE, PONNANI TALUK.

4. MUHAMMED MUSTAFA, S/O.MAYINKUTTY,
PUNATHIL HOUSE, THRIKKANAPURAM,
MADIRASSERI, PONNANI.

5. SIVAKUMAR, S/O.ARUMUGHAM,
KAYALKULANGARA HOUSE, POYPAKKARA P.O.,
KALADI VILLAGE, PONNANI TALUK.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
G.P. SHRI.BASANT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 6495/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE AGREEMENT DTD.11.12.03.

P2 SERIES:- RECEIPTS FOR PAYMENT OF RS.5000/- DTD. 17.1.05, 13.5.05, 27.3.2006, 10.2.2007.

P3. COPY OF THE DEMAND NOTICE DTD.23.1.2007BY R2.

P4. COPY OF THE FORM NO.1.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.6495 of 2007

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Dated this the 2nd day of July, 2007

J U D G M E N T

The petitioner challenges the revenue recovery proceedings initiated against the petitioner for recovery of the Motor Transport Workers Welfare Fund Contributions. Petitioner submits that the liability is not on the petitioner, but on respondents 4 and 5. Petitioner's contention is that by Ext.P1 agreement the petitioner had purchased the vehicle in question and therefore the vehicle cannot be proceeded against. But admittedly on the date when the revenue recovery proceedings were initiated, the petitioner was not the registered owner. In the wake of the said situation, the counsel for the petitioner limits his prayer for permission to pay off the amounts in instalments.

2. I have heard the learned counsel for the petitioner as also the learned Standing Counsel appearing for the 1st respondent.

3. In the facts and circumstances of the case, I direct the 1st respondent to permit the petitioner to pay the amounts due in six equal monthly instalments starting from 1.8.2007. Every subsequent instalment shall be paid on the first working day of every succeeding month. If the petitioner pays the instalments in time, further recovery proceedings shall be kept in abeyance. However, if the petitioner commits default in payment of any one instalment, the 1st respondent would be free to continue the proceedings for recovery as now initiated without having to issue any fresh notice or proceedings in that regard. It is made clear that this would not stand in the way of the petitioner to proceed against respondents 4 and 5 for recovery of the amount paid, if he is legally entitled to.

Writ petition is disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.